

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 2171**

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**Introduced by Assembly Member Jones**

February 18, 2016

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An act to amend Section 30801 of, and to add Section 30625.5 to, the Public Resources Code, relating to coastal resources.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2171, as amended, Jones. Coastal resources: development review: appeals.

Existing law, the California Coastal Act of 1976, requires any person wishing to perform or undertake any development in the coastal zone, as defined, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit. The act further provides for the certification of local coastal programs by the California Coastal Commission. The act prohibits the commission, except with respect to appeals to the commission, from exercising its coastal development permit review authority, as specified, over any new development within the area to which the certified local coastal program, or any portion thereof, applies. The act specifies that any appealable action on a coastal development permit or claim of exemption for any development by a local government or port governing body may be appealed to the commission by an applicant, any aggrieved person, or any 2 members of the commission, except as provided. *Under existing law “aggrieved person” means any person who, in person or through a representative, appeared at a public hearing of the commission, local government, or port governing body in connection with the decision or action appealed*

*or who, by other appropriate means prior to a hearing, informed the commission, local government, or port governing body of the nature of his or her concerns or who for good cause was unable to do either.*

This bill would, notwithstanding those provisions, and to the extent permitted under federal law, authorize an applicant for a coastal development ~~permit, permit~~ or any aggrieved ~~person, as defined, person~~ to file an appeal of any appealable action on a coastal development permit or claim for exemption for any development proposed to be located in an area subject to a certified local coastal program directly to a superior court of competent jurisdiction, in lieu of filing an appeal with the commission. *The bill would also further limit the meaning of “aggrieved person” to a person who is either domiciled or owns real property in a coastal county impacted by the decision or within 1,000 feet of an impacted coastal county.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 30625.5 is added to the Public Resources  
2 Code, to read:

3 30625.5. (a) Notwithstanding any other law, and to the extent  
4 permitted under federal law, an applicant, or any aggrieved person,  
5 as defined in Section 30801, may file an appeal of any appealable  
6 action on a coastal development permit or claim for exemption for  
7 any development proposed to be located in an area covered under  
8 a certified local coastal program directly to a superior court of  
9 competent jurisdiction, in lieu of filing an appeal with the  
10 commission pursuant to Section 30625.

11 (b) Section 30802 shall not apply to an appeal filed pursuant to  
12 this section.

13 SEC. 2. Section 30801 of the Public Resources Code is  
14 amended to read:

15 30801. ~~Any~~ (a) An aggrieved person shall have a right to  
16 judicial review of ~~any~~ a decision or action of the commission by  
17 filing a petition for a writ of mandate in accordance with Section  
18 1094.5 of the Code of Civil Procedure, within 60 days after the  
19 decision or action has become final.

20 (b) (1) For purposes of this section and subdivision (c) of  
21 Section 30513 and ~~Section 30625~~, Sections 30625 and 30625.5,

1 an “aggrieved person” means ~~any a person who, in~~ *who meets both*  
2 *of the following requirements:*

3 (A) *The person is either domiciled or owns real property in a*  
4 *coastal county, as defined in Section 30100.5, impacted by the*  
5 *decision or within 1,000 feet of an impacted coastal county.*

6 (B) *The person, in person or through a representative, appeared*  
7 *at a public hearing of the commission, local government, or port*  
8 *governing body in connection with the decision or action appealed,*  
9 ~~or who, or,~~ *by other appropriate means prior to a hearing, informed*  
10 *the commission, local government, or port governing body of the*  
11 *nature of his or her concerns or who for good cause was unable*  
12 *to do either.* “Aggrieved

13 (2) “Aggrieved person” includes the applicant for a permit and,  
14 in the case of an approval of a local coastal program, the local  
15 government involved.